

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ESTEVEN GARCIA,

Plaintiff,

vs.

No. CV 19-00217 KG/KK

KENDRA LNU,
ISABEL LUCERO,
ADULT PROBATION AND PAROLE,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the “1983 Tort Claim) Complaint (“Complaint”) filed by Plaintiff Esteven Garcia on March 14, 2019 (Doc. 1). The Court will dismiss the Complaint without prejudice for failure to comply with a Court order and failure to prosecute.

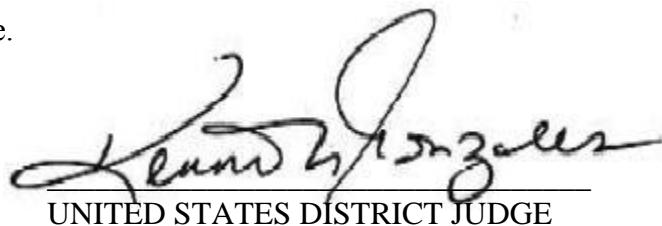
The record reflects that certain mailings to Plaintiff Esteven Garcia were returned as undeliverable. (Doc. 3, 4). The Court also notes that mail to Plaintiff Garcia has been returned as undeliverable in two other cases pending in this Court, *Garcia v. CCS Solution, et al.*, No. CV 19-00321 KG/SCY, *Garcia, et al., v. Santa Rosa Detention Center, et al.*, No. CV 19-00322 MV/KRS. The Court’s research indicates that Plaintiff Garcia has been released from the Curry County Detention Center. It appears that Plaintiff has been transferred or released from custody without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6, thus severing contact with the Court.

The Court issued an Order to Show Cause on April 19, 2019, directing Plaintiff Garcia to notify the Court of a new address, or otherwise show cause why the case should not be dismissed, within 30 days of entry of the Order. (Doc. 4). More than 30 days has elapsed since entry of the Order to Show Cause and Plaintiff Garcia has not provided the Court with a new address, responded to the Court's Order, or otherwise shown cause why the case should not be dismissed.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Garcia has failed to comply with D.N.M. LR-Civ. 83.6 and with the Court's April 19, 2019 Order to Show Cause.

Plaintiff Garcia has failed to comply with the Court's order and failed to prosecute this action by not keeping the Court apprised of his current address. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's Order and failure to prosecute this proceeding.

IT IS ORDERED that the 1983 Tort Claim Complaint filed by Plaintiff Esteven Garcia (Doc. 1) is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's Order and failure to prosecute.



LEONARD L. GONZALES
UNITED STATES DISTRICT JUDGE